

PETITION TO MAKE SPECIAL

Applicants petition that the above-identified application be granted special status for accelerated examination in accordance with 37 CFR 1.102 and MPEP Sec. 708.02, part VIII.

Petition Fee

The Commissioner is authorized to charge the petition fee of \$130.00 to my Deposit Account No. 03-0375, as indicated on attached Form PTO/SB/17.

Pre-examination Search

A pre-examination search was made by a professional searcher. The search was conducted in the following classes and subclasses:

<u>Class</u>	<u>Subclasses</u>	<u>Description</u>
705		Data Processing: Financial, Business Practice, Management or Cost/Price Determination
	1	Automated Electrical Financial or Business Practice or Management Arrangement
	37	... Trading, matching or bidding
	54	... Adding plural layers of rights or limitations by other than the original producer
	59	... Licensing
	80	... Electronic negotiation
707		Data Processing: Database and File Management, Data Structures, or Document Processing
	1	Database or File Accessing
	4	... Query formulation, input preparation or translation
	10	... Distributed or remote access
	200	File or Database Management
	522	... Format information in separate file

523	... Format transformation
526	... Display processing
709	Electrical Computers and Digital Processing Systems, Multiple Computer or Process Coordinating
1	Virtual Machine Task or Process Management

Submission of References

The following references are believed to be relevant to the subject matter of Claims 36-51:

Watanabe et al.	US Patent No. 6,157,947
Harshaw	US Application Publication No. 2001/0010041 A1
Sakata	US Application Publication No. 2001/0010050 A1
Magid	US Application Publication No. 2001/0032144 A1
Powell	US Application Publication No. 2001/0032189 A1
Kossovsky et al.	US Application Publication No. 2002/0002523 A1
Harrell et al.	US Application Publication No. 2002/0016727 A1
Waters	US Application Publication No. 2002/0032659 A1
Prokoski	US Application Publication No. 2002/0046038 A1
Anderson	US Application Publication No. 2002/0062243 A1
Thakur	US Application Publication No. 2002/0091543 A1
Tran	US Application Publication No. 2002/0095368 A1
Iwase	JP Application Publication No. 20022133114 A1
Tako et al.	JP Application Publication No. 20022157412 A1
Gabrick et al.	International Publication WO01/35277 A1
Choi et al.	International Publication WO01/39056 A1
Freedman	"Ideas for Sale"
Sawhney et al.	"Communities of creation: ..."

Copies of such references either were enclosed with the four Information Disclosure Statements filed August 19, 2002 or are enclosed with the Information Disclosure Statement being filed herewith.

Some of such references have been published after the effective priority date of at least some of the claims.

Discussion of References

Watanabe et al. discloses a data storing server **30** having an IP database **32** and a transferring request server with an IP database **22**. Ideas for prospectively patentable inventions are transferred among and accumulated in the servers. IP available for users is registered. See figures 10-12 and column 5, lines 49-67; column 6, lines 1-7; column 7, lines 19-41; and column 18, lines 15-18.

Harshaw discloses a plurality of pools **10, 20, 30** with distinct subject matter. Each pool **10, 20, 30** is a repository for new product ideas. Individual/small business registrants **16, 26, 36** having a new product idea may register the idea with the appropriate pool through an accessible wide area computer network. The selected idea from the pools **10, 20, 30** is licensed **80** to a manufacturer. Royalties are divided among the registrants in relation to their respective contributions of licensed ideas. The selected product **50** will be introduced into a marketplace. See figures 1 and 2 and paragraphs 19, 23 and 24.

Sakata discloses a document publication system **100** communicating information with the clients **50-1 ~ 50-n** via a public network **10** (e.g. the Internet). The data reception section **140** receives document data concerning ideas that are supplied from the clients **50-1 ~ 50-n** via the public network **10**. The data publication system **110** has functions for publishing the document data received by the data reception section by use of the public network **10**. See figure 1 and paragraphs 52-57.

Magid discloses a web-based technology management which allows direct negotiations between a viewer and a presenter (step 3-8). A seller and a purchaser optionally enter into a contract (licensing agreement, an assignment of rights) relative to an intellectual property.

Powell discloses an originator 400 and user-driven 300 online commercial network system designed to facilitate idea submission, purchase and licensing. The originators of ideas are allowed to communicate non-disclosing synopses of ideas globally to potential users for the users to conveniently search for relevant ideas. See figures 1a, 1b, 2 and 3 and paragraphs 13, 42-45, 71, 76 and 77.

Kossovsky et al. discloses an on-line patent and license exchange. See figure 3 and paragraphs 56, 57 and 62-68.

Harrell et al. discloses a network 12 having innovator interfaces 10, an innovation marketplace server 16, third-party vendors 13 and developer interfaces 14. The innovator interfaces 10 comprise any individuals or companies that have an idea for an innovation in a particular field of endeavor. The developers access the developer interface 14 for developing and marketing third-party innovations. The innovation marketplace server 16 has sufficient resources to support access by a plurality of developers and innovators. See figures 1-4 and paragraphs 18-20, 22, 23, 38, 39, 42, 44, 45 and 55.

Waters discloses a system and method for obtaining and developing technology for market, including an "idea intake via web interface" receiving ideas from submitters. The system initially screens the ideas and translates them into searchable formats. The system automatically distributes idea information to experts via a web interface. Submission of ideas is encouraged by offering originators a percentage of the revenue generated from the eventual sale or licensing of technology embodying the ideas. Revenue is shared with the system proprietor. The system also licenses eligible patents online. See figures 1A and 1B and paragraphs 15, 16 and 29-31.

Prokoski discloses a business entity (a) obtaining rights to at least one intellectual property (IP) asset; (b) determining a market value for the IP asset; (c) configuring an investment trust which holds the IP asset; (d) selling stock in the investment trust; (e) managing the IP including promoting it, licensing it and offering it for sale; and (f) distributing profits and losses to the shareholders. An on-line auction and resale site **430** also is disclosed. See figures 1 and 3 and paragraphs 15 and 85.

Anderson discloses an on-line patent and license exchange. See figure 3 and paragraphs 56, 57 and 62-68.

Thakur discloses a network for receiving and processing ideas for inventions submitted by contributor (innovators $I_1 - I_N$); auctioning by a facilitator of rights to use ideas in a database, with the facilitator taking a percentage of the license income; marketing of the ideas; and agreements for service and use fees. See figures 1, 2 and 4 and paragraphs 12, 26, 29, 31, 32, 38, 42 and 68.

Tran discloses a network system **102** supporting online trading and brokering of intellectual property (IP) assets among client computer users **102**, **104** and community computer users **110A-110B**; An inventor is prompted to file a patent application before listing an IP asset. See figure 1 and paragraphs 8, 20, 23, 24, 27 and 42.

Iwase '114 discloses an idea investing method and stock management.

Tako et al. discloses a contract to distribute royalties to an investor in the event profits are generated from an idea.

Choi et al. discloses the trading of cyber stocks in ideas. See figure 9.

Gabrick et al. discloses a file (innovation) management server (system) for transferring a file from a user PC/client (agent monitoring system) to a network data, ruler, classes logs, and file servers. Licensing and marketing of the innovations are also disclosed. See figures 2, 3, 4a-4d and 20 and pages 28, 29, lines 1-3 and pages 30 and 34.

Freedman discloses anyone being able to contribute ideas for innovations to a website and the filing of patent applications before listing ideas in another's database.

Sawhney discloses an open source model for managing distributed ideas of inventions, with the IP rights not being controlled by any single entity and a free cross license being provided to idea contributors. See pages 1, 13-15 and 20.

Discussion of Claims

The subject matter of independent Claim 36 and dependent Claim 44 is patentable over the references because Claim 36 recites the feature of providing contingent contractual rights to a portion of anticipated income derived from property rights under patent rights to prospectively patentable inventions derived at least in part from ideas accumulated in a computer database for accumulating ideas for prospectively patentable inventions; wherein said contingent rights are provided in exchange for transfers of said property rights or in exchange for contractual obligations to transfer said property rights.

The subject matter of dependent Claims 37 and 45 is patentable over the references for the same reason that the subject matter of independent Claim 36 is patentable and because Claim 37 combines the feature of the contingent contractual rights of Claim 36 being provided in an online marketable format, with the feature of Claim 36 discussed above.

The subject matter of dependent Claims 38 and 46 is patentable over the references for the same reason that the combined subject matter of independent Claim 36 and dependent Claim 37 is patentable and because Claim 38 combines the feature of the contingent contractual rights of Claim 36 being provided in the format of an electronically tradable certificate, with the features of Claims 36 and 37.

The subject matter of dependent Claims 39 and 47 is patentable over the references for the same reason that the combined subject matter of independent Claim 36 and dependent Claim 37 is patentable and because Claim 39 combines the feature of providing the contingent contractual rights of Claim 36 in an on-line marketable format by enabling on-line transfer, sale, and/or auction of the contingent contractual rights, with the features of Claims 36 and 37.

The subject matter of dependent Claims 40 and 48 is patentable over the references for the same reason that the subject matter of respective claims upon which they depend is patentable and because Claim 40 combines the feature of marketing the contingent contractual rights of Claim 36, with the features of the respective claims upon which they depend.

The subject matter of dependent Claims 41 and 49 is patentable over the references for the same reason that the combined subject matter of independent Claim 36 and dependent Claim 37 is patentable and because Claim 41 combines the feature of providing the contingent contractual rights of Claim 36 by on-line communications between a computer system that facilitates use of contributor computers to make on-line contributions of said ideas to a computer database and the contributor computers, with the features of Claims 36 and/or 37.

The subject matter of dependent Claims 42 and 50 is patentable over the references for the same reason that the combined subject matter of independent Claim 36 and dependent Claim 37 is patentable and because Claim 42 combines the feature of said ideas being systematically accumulated prior to filing any patent applications for

inventions respectively derived at least in part from said accumulated ideas, with the features of Claims 36 and/or 37.

The subject matter of dependent Claims 43 and 51 is patentable over the references for the same reason that the combined subject matter of independent Claim 36 and dependent Claim 37 is patentable and because Claim 41 combines the feature of said ideas including needs and/or requirements of said inventions, with the features of Claims 36 and/or 37.

Respectfully submitted,

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